


  
**Harter Secrest & Emery LLP**  
ATTORNEYS AND COUNSELORS

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File Number: 083512.000025

Please remit payment within 30 days from date of invoice

Fink, Raymond L.	Date: 03/09/15
RE: Court Appointed Receiver re FTC and People of the State of New York v. Vantage Point Services, et al	Invoice: 651484
Client Ref.	

For Professional Services Rendered and Costs Advanced through 02/28/15

Date	Atty	Professional Services	Hours	Amount
01/05/15	RLF	Telephone conference with J. Morrissey (Assistant NYS Attorney General) re appointment as receiver.	0.30	114.75
01/05/15	RLF	Receive and review Ex Parte TRO and Receivership Order.	0.40	153.00
01/05/15	RLF	Communications with J. Post, Esq. (x2) at Smith Hulsey and Busey (Jacksonville, Florida) re serving local counsel etc. and assist with implementation.	0.70	267.75
01/06/15	KWA	Conference with R. Fink regarding helping with receiver work.	0.50	178.50
01/06/15	KWA	Read memorandum of law.	1.50	535.50
01/06/15	KWA	Read restraining order.	0.50	178.50
01/06/15	KWA	Emails regarding employee questionnaires.	0.20	71.40
01/06/15	KWA	Reviewed protocols.	0.30	107.10
01/06/15	RLF	Attend meeting at NYS Attorney General's offices with C. Hector, Esq. (FTC), J. Morrissey, Esq. (NYS Assistant Attorney General), P. Lamberton, Esq. (FTC) and discuss receivership order, plan and logistics for implementation on 1-17-15.	2.30	879.75
01/06/15	RLF	Confer with J. Post, Esq. (Jacksonville, Florida local counsel) re coordination of implementation on 1-7-15.	0.30	114.75

March 9, 2015

Page 2

Client: 083512  
 Matter: 083512.000025  
 Invoice: 651484

Date	Atty	Professional Services	Hours	Amount
01/06/15	RLF	Confer with K. Africano, Esq. (Harter Secrest) re covering 10325 Lockport Road.	0.30	114.75
01/06/15	RLF	Prepare protocol and circulate to K. Africano and J. Post for receiver and agents upon entry and explanation to employees of receivership entities.	0.40	153.00
01/06/15	RLF	Review FTC/Attorney General's Memorandum of Law in support of ex parte relief.	0.60	229.50
01/07/15	KWA	Conference with R. Fink regarding protocol.	0.30	107.10
01/07/15	KWA	Meeting at Attorney General's office.	1.00	357.00
01/07/15	KWA	Handled receiver duties at Lockport location.	5.00	1,785.00
01/07/15	KWA	Conference with R. Fink regarding finding.	0.30	107.10
01/07/15	RLF	Attend meeting at NYS Attorney General's office with entire FTC and Attorney General's team to coordinate implementation of TRO and receivership with gaining access to N. French and Lockport Road premises.	0.80	306.00
01/07/15	RLF	Implementation of receivership and accompany FTC and NYS Attorney General team, initially to N. French Road office of company defendants and then Lockport Road offices.	7.00	2,677.50
01/07/15	RLF	Various communications with M. Feldman, Esq. (Hiscock & Barclay), FTC IT staff and J. Morrissey re access to off site server and termination of remote access to server through AGNITO TECH.	0.80	306.00
01/08/15	RLF	Various communications with J. Post, Esq. and C. Dix, Esq. (Jacksonville, Florida local counsel) re (1) status of receivership implementation (2) information re pending acquisition of office condominium (3) issuance of subpoena to real estate agent to obtain information about pending office condo acquisition (4) results of exit interviews.	0.50	191.25
01/08/15	RLF	Host phone conference with Jacksonville, Florida and WNY teams and recap events over past two days; discuss related business operations situated at Receivership Entities locations (Ross Delong Associates) and Northwest Capital (French Road).	0.50	191.25
01/08/15	RLF	Prepare and forward correspondences to U.S. Postal Service re forwarding mail from N. French and Lockport Road locations.	0.40	153.00
01/08/15	RLF	Telephone conference with J. Ciffa re status of Lockport Road office and obtain limited background information.	0.40	153.00
01/08/15	RLF	Follow-up communications with M. Ferdinand, Esq. (AGNITO's counsel) re physical location of servers; investigate information of business occupants at 2810 Sweethome Road and ownership of premises.	0.60	229.50

March 9, 2015

Page 3

Client: 083512  
Matter: 083512.000025  
Invoice: 651484

Date	Atty	Professional Services	Hours	Amount
01/08/15	RLF	Communications with C. Hector, Esq. (FTC) re (1) deletion of recorded telephone communication by unknown person with access to Vantage accounts and (2) E-Cloud providers.	0.30	114.75
01/08/15	RLF	Communications with A. Patel (FTC tech investigation) authorizing accessing information re Cloud providers and email accounts.	0.20	76.50
01/08/15	RLF	Follow-up discussion with Bonadio re forensic accounting proposal.	0.40	153.00
01/08/15	RLF	Follow-up telephone conference with T. McPoland (Freed Maxick) re potential forensic audit engagement.	0.40	153.00
01/09/15	KWA	Reviewed email and documentation showing proof that Larry Kessinger owns the laptop computer in his office.	0.10	35.70
01/09/15	RLF	Host conference call with J. Morrissey, Esq., C. Hector, Esq., J. Post, Esq. and C. Dix, Esq. and discuss status of Jacksonville, Florida and request of J. Ross (Ross, DeLong and Associates) for access to payroll and business records.	0.60	229.50
01/09/15	RLF	Communications with L. Kensinger re retrieving laptop computer at Lockport Road.	0.30	114.75
01/09/15	RLF	Internet research re record owner of 636 N. French Road and lis pendens filed by Condo Association.	0.60	229.50
01/09/15	RLF	Internet research re record owner of 10325 Lockport Road.	0.40	153.00
01/09/15	RLF	Field calls from various employees re payroll and unemployment benefits.	0.90	344.25
01/10/15	RLF	Check on 636 N. French Road location.	0.80	306.00
01/11/15	RLF	Check on 10325 Lockport Road location.	1.00	382.50
01/12/15	RLF	Receive and review open agenda items re Jacksonville, Florida location forwarded by C. Dix.	0.40	153.00
01/12/15	RLF	Communications with various employers re retrieving personal property, payroll processing etc.	0.80	306.00
01/12/15	RLF	Complete and forward application for receiver's bond.	0.40	153.00
01/12/15	SLH	Obtain property information, current ownership, etc. for 10325 Lockport Road, Lockport, NY.	0.40	40.00
01/13/15	RLF	Telephone conference with C. Hector, Esq. re status of (1) restrained bank accounts, (2) information re possible additional receivership of defendants.	0.40	153.00

March 9, 2015

Page 4

Client: 083512  
Matter: 083512.000025  
Invoice: 651484

Date	Atty	Professional Services	Hours	Amount
01/13/15	RLF	Open mail retrieved from 636 N. French Road and 10325 Lockport Road including various "cease and desist" orders from pay day lenders.	0.70	267.75
01/13/15	RLF	Telephone conference with D. Vacco, Esq. re representation of all defendants, discuss status, payroll etc.; transmit pdf copy of 1/15/15 TRO / Receivership order.	0.60	229.50
01/13/15	RLF	Obtain receiver's bond.	0.30	114.75
01/13/15	RLF	Telephone conference with H. Stephens re interview with T. Sadeghian and discuss Prestolite issues etc.	0.40	153.00
01/14/15	RLF	Field calls from employees re (1) payroll (2) unemployment and (3) personal property.	0.80	306.00
01/14/15	RLF	Convene and moderate conference call with J. Morrissey, C. Hector, J. Post, C. Dix, V. Budich, R. Lamberton and E. Rodriguez and discuss Jacksonville, Florida matters and WNY open items.	0.50	191.25
01/14/15	RLF	Prepare for status conference before Judge Skretny on 1-15-15.	0.50	191.25
01/14/15	RLF	Gather information re Solidified Payment Solutions and Northwest Capital Solutions.	0.60	229.50
01/14/15	RLF	Review First Niagara Bank Account statements for Solidified Solutions.	0.40	153.00
01/15/15	RLF	Appear in U.S. District Court before Honorable William Skretny re status report of receiver's actions to date.	1.00	382.50
01/15/15	RLF	Respond to inquiries from former employees re (1) payroll, (2) unemployment benefits and (3) retrieving personal property.	0.70	267.75
01/15/15	RLF	Contact Global Payments re turnover of restrained accounts.	0.50	191.25
01/15/15	RLF	Communications with C. Hector confirming imaging of computers and lap tops; deletion of collection account data.	0.20	76.50
01/15/15	RLF	Confer with HSE's I.T. personnel re "wiping" hard drives etc.	0.60	229.50
01/16/15	RLF	Meet NYS A.G. staff (K. Davis and R. Vanway) at 10325 Lockport Road; meet with L. Kensinger and oversee removal of some personal items.	1.50	573.75
01/16/15	RLF	Email exchange with C. Dix, Esq. (Smith Hulsey) re procedures for 1/19/15 access for R. DeLong and Associates.	0.30	114.75
01/16/15	RLF	Receive and review transfers to Sky's Blue accounts at M&T Bank.	0.40	153.00
01/16/15	RLF	Initiate contact with various payment processors.	0.60	229.50

March 9, 2015

Page 5

Client: 083512  
Matter: 083512.000025  
Invoice: 651484

Date	Atty	Professional Services	Hours	Amount
01/19/15	RLF	Prepare correspondence to First Niagara Bank and Global Payments re frozen accounts and directing turnover of funds.	0.50	191.25
01/19/15	RLF	Telephone conference with J. Post and C. Dix (Smith Hulsey) re results of meeting with R. DeLong and turnover of business records etc.; discuss minimal value of furnishings and equipment and landlord's potential lien.	0.40	153.00
01/19/15	RLF	Review mail picked up from 10325 Lockport Road.	0.40	153.00
01/19/15	RLF	Start drafting receiver's report.	0.80	306.00
01/20/15	RLF	Telephone conference with T. Johnson, Esq. (First Niagara Bank) re release of Solidified Payment Solutions accounts; revise correspondence accordingly.	0.30	114.75
01/20/15	RLF	Receive and respond to inquiries from former employees re retrieval of personal property.	0.60	229.50
01/21/15	RLF	Telephone conference with F. Connell, owner of JL Agency re debtor payments processed through Payment Solutions.	0.30	114.75
01/21/15	RLF	Follow-up telephone conference with T. Johnson, Esq. at First Niagara Bank re transfer of funds in depository restrained accounts.	0.30	114.75
01/21/15	RLF	Field inquiries from former employees re retrieval of personal property.	0.50	191.25
01/22/15	RLF	Telephone conference with Global Payments re status of payment processing for receivership entities and confirm previous termination of services in 2014.	0.30	114.75
01/22/15	RLF	Telephone conference with Money Gram re status of payment processing for receivership entities and confirm Vantage Point inactive since 10/13 [AML]; Bonafide and Payment Solutions in suspended mode.	0.40	153.00
01/22/15	RLF	Telephone conference with Merchant E-Solutions re payment processing for Payment Management Solutions and confirm 99 day hold, no transactions since 1-7-15 and \$25,000 restrained.	0.40	153.00
01/22/15	RLF	Telephone conference with C. Hector, Esq. (FTC) re status of investigations and deposition of K. Kennuth.	0.30	114.75
01/22/15	RLF	Prepare for status conference on 1-23-15.	0.40	153.00
01/22/15	RLF	Communications with C. Dix and J. Post re closure of Jacksonville, Florida office.	0.30	114.75
01/23/15	RLF	Appear in U.S. District Court before Judge Skretny re status report.	1.00	382.50
01/23/15	RLF	Prepare declaration re receiver's bond.	0.30	114.75

March 9, 2015

Page 6

Client: 083512  
Matter: 083512.000025  
Invoice: 651484

Date	Atty	Professional Services	Hours	Amount
01/23/15	RLF	Communications with U.S. Postal Service Branch Managers (1) 9860 Niagara Falls Blvd. - Niagara Falls, NY and (2) 5500 Bailey Avenue re status of mail forwarding.	0.60	229.50
01/23/15	RLF	Communications with E. Soehnlein, Esq. re scheduling of A. Burdorf's interview on 1-26-15 and document request.	0.30	114.75
01/24/15	RLF	Preparation for A. Burdorf interview.	0.80	306.00
01/26/15	RLF	Electronic file receiver's declaration and bond.	0.30	114.75
01/26/15	RLF	Open receiver's depository account at KeyBank.	0.50	191.25
01/26/15	RLF	Telephone conference with E. Soehnlein, Esq. re reschedule A. Burdorf's interview.	0.20	76.50
01/26/15	RLF	Field calls from former employees re (1) payroll (2) retrieval of personal items.	0.70	267.75
01/26/15	RLF	Provide directions to C. Dix, Esq. and J. Post re surrender of Jacksonville, Florida and discuss R. DeLong releases.	0.40	153.00
01/27/15	RLF	Email exchanges with E. Soehnlein re reschedule Burdorf and McKenna interviews to 1/29/15.	0.20	76.50
01/27/15	RLF	Communication with J. Post, Esq. and C. Dix, Esq. re protocol for closure of Jacksonville, Florida office.	0.40	153.00
01/27/15	RLF	Follow-up communications with payment processors (Merchants E-Solutions).	0.30	114.75
01/27/15	RLF	Continue preparation of draft receiver's report with updates.	0.80	306.00
01/28/15	RLF	Communications with J. Morrissey, Esq. and C. Hector, Esq. re (1) wire transfers and recipients (2) fictitious names possibly used by debt collectors.	0.40	153.00
01/28/15	RLF	Prepare for G. MacKinnon interview scheduled for 1/29/15.	1.00	382.50
01/28/15	RLF	Start review of documentation from Jacksonville, Florida office.	1.00	382.50
01/28/15	RLF	Review mail retrieved from Lockport Road and North French Road locations.	0.60	229.50
01/29/15	RLF	Telephone conference with C. Hector, Esq. and discuss (1) turnover and surrender of Jacksonville, Florida office (2) defendants' required access of WNY office and retrieval of personal computers and financial information (3) information for interviews with A. Burdorf and G. MacKinnon.	0.40	153.00
01/29/15	RLF	Interview with A. Burdorf at Lippes Mathias' office; start interview with G. MacKinnon; prepare summary of A. Burdorf interview.	4.60	1,759.50
01/30/15	RLF	Retrieve Burdorf's and Wood's computers from N. French Road office.	0.50	191.25

March 9, 2015

Page 7

 Client: 083512  
 Matter: 083512.000025  
 Invoice: 651484

Date	Atty	Professional Services	Hours	Amount
01/30/15	RLF	Appear in U.S. District Court before Honorable William Skretny re status report.	1.00	382.50
01/30/15	RLF	Finish interview of G. MacKinnon.	1.40	535.50
01/31/15	RLF	Meet with E. Soehnlein, Esq. and K. Kennuth at 636 N. French and obtain payroll information and retrieve documents.	1.00	382.50
02/02/15	RLF	Telephone conference with Global Payments (R. Cieslak) re partial release of restrained funds (\$142k) and holdback for chargeback; revisit on 3/31/15.	0.30	114.75
02/02/15	RLF	Communications with PayChex re processing Vantage Point's payroll.	0.40	153.00
02/02/15	RLF	Revise file memo re G. MacKinnon interview.	0.30	114.75
02/02/15	RLF	Respond to inquiries from former employees re retrieval of personal property.	0.40	153.00
02/03/15	RLF	Email to Merchants E-Solutions requesting turnover of \$25,000 restrained funds.	0.20	76.50
02/03/15	RLF	Field inquiries from former employees re retrieval of personal property and pay status.	0.60	229.50
02/04/15	RLF	Telephone conference with Blue Cross / Blue Shield re status of health insurance coverage and ascertain that group policy was terminated on 1-7-15 for non-payment; obtain contact information for participants who may desire individual coverage.	0.60	229.50
02/04/15	RLF	Continue contact with PayChex re processing final payroll for Vantage Point.	0.70	267.75
02/05/15	RLF	Meet with G. MacKinnon, K. Kennuth and E. Soehnlein, Esq. at 636 N. French re retrieval of documents.	1.00	382.50
02/05/15	RLF	Communications with PayChex re processing final payroll and issuing W-2's.	0.80	306.00
02/05/15	RLF	Telephone calls with former employees re status of W-2's and final payroll; telephone conference with C. Platts re basis for termination in April 2014.	0.80	306.00
02/06/15	RLF	Telephone conference with C. Hector, Esq. re (1) issues concerning possible surrender of N. French Road and Lockport offices (2) debtor account information on computers (3) Vantage Point's allegations of missing documents.	0.40	153.00
02/06/15	RLF	Review E. Soehnlein's correspondence re alleged missing documents and J. Morrissey's response.	0.30	114.75
02/06/15	RLF	Continue communications with Paychex re (1) payment of arrearages (2) processing Vantage Point's final payroll and issuing W-2's.	0.70	267.75
02/06/15	RLF	Telephone conference with former Vantage Point employees re (1) final payroll (2) W-2's (3) bonus claims.	0.50	191.25

March 9, 2015

Page 8

 Client: 083512  
 Matter: 083512.000025  
 Invoice: 651484

Date	Atty	Professional Services	Hours	Amount
02/06/15	RLF	Communications with Global Payment and Merchants E-Pay re remittance of restrained funds.	0.30	114.75
02/09/15	RLF	Appear before Judge Skretny in U.S. District Court re status report .	1.30	497.25
02/09/15	RLF	Follow-up with Paychex re Vantage Point's payroll and W-2's.	0.40	153.00
02/09/15	RLF	Telephone conference with former employees re payroll and W-2's; discuss job descriptions and functions.	0.40	153.00
02/09/15	RLF	Receive \$144,750 from Global Payment and deposit in receiver's account.	0.30	114.75
02/11/15	RLF	Follow-up with Paychex re delivery of W-2's and processing of final payroll.	0.70	267.75
02/11/15	RLF	Telephone conference with H. Greenman, Esq. and J. Ginter, Esq. and coordinate access to 10325 Lockport Road on 2/14/15.	0.20	76.50
02/12/15	RLF	Accompany D. Vacco, Esq., E. Soehnlein, Esq., G. MacKinnon and K. Kennuth re site inspection at 636 N. French Road office.	1.30	497.25
02/12/15	RLF	Continue communications with Paychex re status of processing final Vantage Point payroll and 2014 W-2 documents.	0.80	306.00
02/12/15	RLF	Respond to continued inquiries from former Vantage Point and PMS employees re pay checks.	0.40	153.00
02/13/15	RLF	Receive and review Vantage Point Service's final payroll and 2014 W-2's; contact former employees who requested pick ups and coordinate; arrange for distribution of final checks and W-2's; communications with Paychex re payroll taxes etc.	1.30	497.25
02/13/15	RLF	Telephone conference with C. Hector and review several matters; (1) issues with potential turnover of N. French and Lockport Road to D. Vacco, Esq.; (2) access to google email accounts; (3) additional access to CFTB Investigators.	0.30	114.75
02/13/15	RLF	Email exchanges with J. Milbrand, Esq. (Hiscock & Barclay) and Ignito server charges and possible reduction of expense.	0.30	114.75
02/13/15	RLF	Receive and review Smith Hulsey and Busey's (Florida counsel) invoice.	0.30	114.75
02/16/15	RLF	Accommodate access to 10325 Lockport Road with J. Ginter, Esq. and J. Ciffa; gather additional information at premises.	1.20	459.00
02/16/15	RLF	Start preparation of Receiver's interim fee application.	0.80	306.00
02/20/15	KWA	Telephone conference with Vantage's attorney regarding temperatures at Lockport location	0.20	71.40

Fink, Raymond L.

March 9, 2015

Page 9

Client: 083512  
Matter: 083512.000025  
Invoice: 651484

Date	Atty	Professional Services	Hours	Amount
02/20/15	KWA	Emails to r. Fink regarding conversation with Vantage's attorney.	0.10	35.70
02/20/15	KWA	Further telephone conference with Vantage's attorney regarding temperatures at Lockport location.	0.10	35.70
02/23/15	RLF	Telephone conference with C. Hector, Esq. and discuss (1) motions for release of receivership funds to pay defense retainers and outstanding liabilities, (2) motion to turnover premises.	0.30	114.75
02/26/15	RLF	Continue preparation of receiver's interim report.	0.90	344.25
02/26/15	RLF	Start preparation of receiver's first interim fee application.	1.00	382.50
02/27/15	RLF	Receive and review forwarded mail.	0.60	229.50
02/27/15	RLF	Continue preparation of receiver's first interim fee application.	0.60	229.50
02/28/15	RLF	Continue preparation of Receiver's Interim Report.	0.70	267.75
02/28/15	RLF	Review pleadings re motion for protective orders and opposition.	1.00	382.50
			Total Hours and Fees	<u>93.60</u>
				<u>\$35,431.45</u>

<u>Costs Advanced</u>	<u>Amount</u>
Messenger-Delivery	\$57.03
Process fee	\$130.10
Conference call	\$20.19
Bond premium	\$150.00
Total Current Costs	<u>\$357.32</u>

Current Invoice Due \$35,788.77